

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RYTIS TERESKO and EDITA
TERESKO,

Plaintiffs,

v.

LIBERTY MUTUAL INSURANCE
COMPANY and BLUE CROSS BLUE
SHIELD OF ILLINOIS,

Involuntary Plaintiffs,

v.

THE 3M COMPANY and ABC
INSURANCE COMPANY,

Defendants.

Case No. 22-CV-1532-JPS

ORDER

On October 31, 2023, Plaintiffs Rytis Teresko and Edita Teresko ("Plaintiffs") and Defendant The 3M Company ("3M") filed a stipulation to modify the briefing schedule for Federal Rule of Evidence 702 motions in advance of the December 18, 2023 jury trial. ECF No. 50. The stipulation also reflects Plaintiffs' agreement to dismiss Defendant ABC Insurance Company from this action without prejudice. *Id.*

The Court will adopt the stipulation as to the modified briefing schedule for Rule 702 motions given that the parties' agreed-upon dates are earlier than those set by the Court. Any Rule 702 motions will be due on or before November 8, 2023, with responses due on or before November 21, 2023. All other deadlines set forth in the trial scheduling order, ECF No. 28, shall remain as scheduled.

The Court will construe Plaintiffs' agreement to dismiss Defendant ABC Insurance Company as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i), given that Defendant ABC Insurance Company has not served an answer or a motion for summary judgment. The Court will adopt Plaintiffs' notice of voluntary dismissal and dismiss Defendant ABC Insurance Company from this action without prejudice. Fed. R. Civ. P. 41(a)(1)(A)(i).

Accordingly,

IT IS ORDERED that the parties' stipulation to modify the briefing schedule for Federal Rule of Evidence 702 motions, ECF No. 50, be and the same is hereby **ADOPTED**;

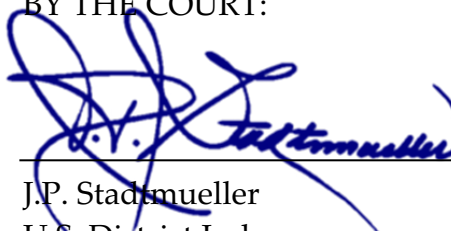
IT IS FURTHER ORDERED that any Federal Rule of Evidence 702 motions shall be due on or before **November 8, 2023** with responses due on or before **November 21, 2023**; all other deadlines set forth in the trial scheduling order, ECF No. 28, shall remain as scheduled;

IT IS FURTHER ORDERED that Plaintiffs Rytis Teresko and Edita Teresko's notice of voluntary dismissal of their claims as to Defendant ABC Insurance Company, ECF No. 50, be and the same is hereby **ADOPTED**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED without prejudice** as to only Defendant ABC Insurance Company.

Dated at Milwaukee, Wisconsin, this 31st day of October, 2023.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge